

The Al-Qaida 'Hamburg cell' and September 11th first trials

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Focus

The charges against Mounir El Motassadeq are:

- accessory to murder of 3066 persons;
- membership in a terrorist organisation;
- accessory to grave physical assault to five persons;
- attempted murder to five persons.

(Source:
www.bundesregierung.de)

The charges against Abdelghani Mzoudi are El Motassadeq's first two.

Valdis, a management consultant and developer of *InFlow*, a software based, organisation network analysis methodology confirms the underlying role played in the hijackings by the members of the 'Hamburg cell'. A quick look at his map of the 'hijacker's network neighbourhood' (Figure 4, p.50) renders obvious the centrality of this German cluster. His work is available on-line at:
<http://www.orgnet.com/MappingTerroristNetworks.pdf>

The 'Hamburg cell' included three of the hijackers: Mohamed Atta, Marwan al-Shehhi and Ziad Jarrahi

Several recent trials in Germany are helping to throw light on the activities of the 'Hamburg cell' and their role in the September 11th attacks.

On 14 August 2003 the second German trial in connection with September 11th opened before a Hamburg Court. Abdelghani Mzoudi, a Moroccan student arrested in Hamburg last October, is charged with 3,066 counts of being an accomplice to murder, and membership in a terrorist organisation. The same German Court had earlier rendered the world's first verdict linked to September 11th on 19 February 2003. It convicted Mounir El Motassadeq, another Moroccan student, with the same charges, namely of being an accessory to the murder of thousands of people, and for membership in a terrorist organisation, plus accessory to grave physical assault (§223, 224, 27 of the *German Criminal Code*) and attempted murder (§211, 23, 12) to five persons, and sentenced him to fifteen years in jail. He was the first suspect to be arrested, in late November 2001, in connection with the events of September 11th (Zacarias Moussaoui was arrested prior to the attacks, on immigration violations). Mounir El Motassadeq has appealed, and his case will therefore be heard before the *Bundesgerichtshof*.

The absence of any definition of 'terrorist criminal acts' in the *German Criminal Code* led the authorities to characterise the acts as 'attempted murder.' The question whether these events may be regarded as crimes against humanity has been raised by United Nations High Commissioner for Human Rights Mary Robinson in her 17 October 2001 speech at the Institute of Peace in Washington. The German *Code of Crimes against International Law* enacts this crime in its Article 7. Under Section 1, the article applies "to all criminal offences against international law designated under this Act, to serious criminal offences designated therein *even when the offence was committed abroad and bears no relation with Germany*" (emphasis added). However, according to the principle of non-retroactivity, it cannot be applied to September 11th as it was passed by the Federal Parliament on 26 June 2002 and entered into force on 30 June 2002.

Abdelghani Mzoudi and Mounir El Motassadeq both belonged to the "Hamburg cell", whose members are believed to have played a central role in the plot of September 11th. To carry out their operations, the planners of the suicide hijackings were organised in a network methodically built throughout Europe, which "relied on clusters of religiously motivated Muslims from North Africa, who had settled in Spain in the mid-1990s" (*The Boston Globe*, 4 August 2002). One of those clusters is the so-called "Hamburg cell", associated to al Qaida, and allegedly headed by Mohamed Atta. After only one month of investigations it was clear that Mohamed Atta was the ring leader of the conspiracy, and thus that the 'Hamburg cell' spearheaded the attacks. This group included three of the hijackers, Mohamed Atta, Marwan al-Shehhi and Ziad Jarrahi.

Another related case is currently being heard at the higher regional Court in Düsseldorf (it commenced on 24 June 2003). Shadi Moh'd Mustafa Abdallah is accused of plotting attacks against Jewish and Israeli installations in Germany, and of belonging to a terrorist organisation, al-Tawhid, an al Qaeda affiliated group. (*Deutsche Welle*, June 24th, 2003). Despite the fact that he does not appear to be directly involved in the events of September 11th, he did mention to the police that he saw Mounir El Motassadeq in a training camp in Afghanistan, while he was himself serving as Osama Bin Laden's bodyguard (*Le Monde*, 14 August 2003). The case has also helped intelligence services to better understand the network's overall structure and the role played by the 'Hamburg cell'.

Responsibility

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